REMARKS

Claim 11 has been amended. Claims 1-12 are pending in the application, and are subject to restriction and/or an election requirement.

Restriction Requirement

The Examiner has required that Applicants elect a single invention to which the claims must be restricted from the following groups:

> Group I, claims 1-10 and 12, drawn to a protein drug sustained-release microparticle preparation for injection.
>
> Group II, claim 11, drawn to a process for the protein drug sustained-release microparticle preparation for injection.

In Response to the Restriction Requirement, Applicants elect for further prosecution the invention of Group I, claims 1-10 and 12.

Applicants hereby request and/or preserve the right to request consideration that process claim 11 be rejoined upon determination that the product claims are allowable. Accordingly, claim 11 has been amended to require all of the limitations of product claim 1.

Election of Species

Applicants have been required "to elect a single disclosed species of protein drug with a SEQ ID NO., or a structure corresponding to the elected species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable."

In response, Applicants elect human growth hormone. It is respectfully submitted that the requested "SEQ ID NO., or a structure corresponding to the elected species" is not required, since human growth hormone is well-known in the art and has been fully characterized in the open literature.

Applicants have been required "to elect a single disclosed species of porous apatite with a chemical structure or a formula corresponding to the elected species."

In response, Applicants elect hydroxyapatite in which a portion of calcium as a component of the hydroxyapatite is substituted with zinc. The requested chemical structure or

formula corresponding to the elected species ($Ca_{10-x}Zn_x(PO_4)_6(OH)_2$) is well-known in the art and has been fully characterized in the open literature.

Applicants have been required "to elect a single disclosed species of disappearing polymer with a chemical structure or a formula or a composition corresponding to the elected species."

In response, Applicants elect a block copolymer consisting of polyethylene glycol and polylactic acid. Block copolymers comprising polylactic acid and polyethylene glycol are well-known in the art, and have been fully characterized in the open literature, such that a chemical structure or formula or composition is not required.

Finally, Applicants have been required to "to elect a single disclosed species of divalent metal salt corresponding to the elected species."

In response, Applicants elect zinc chloride.

All of the pending claims (claims 1-12) read on the elected species in which the protein drug is human growth hormone, the porous apatite is hydroxyapatite in which a portion of calcium as a component of the hydroxyapatite is substituted with zinc, the disappearing polymer is a block copolymer comprising polylactic acid bound with polyethylene glycol, and in which the divalent metal salt is zinc chloride.

CONCLUSION

In view of the above amendments and remarks, it is believed that the application is in condition for allowance and notice of the same is requested.

Respectfully submitted,

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Date

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